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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,339	09/16/2003	Shigeki Sato	1232-5153	4127
27123	7590	06/01/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			PERKEY, WILLIAM B	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,339

Applicant(s)

SATO ET AL.

Examiner

William B. Perkey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-16 is/are rejected.
- 7) ☒ Claim(s) 5, 10 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 4, 6-9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinba et al. (U.S. Patent No. 5,597,999).

Kinba et al. discloses a camera system in Fig. 5 having a focus lens 14 mounted on the camera 13; a first focus detection unit is disclosed as elements 3 and 4 in Fig. 1 and a second focus detection unit as element 7; and a controller is disclosed as the microcomputer 19 in Fig. 5. Reference is made to Fig. 6 for a discussion of the claimed functions of the controller. In Fig. 6 a target driving amount of the focusing lens based on a result of the first focus detection unit (3,4) is fairly suggested by steps 3 and 5. In step 3 a defocus amount is calculated based on the phase difference focus detector and the lens is driven that amount in step 5. After the lens driving of step 5, a second drive control to drive the focus lens based on a result of the second focus detection unit (by element 7 in step 6) is performed in step 9. The controller 19 switches from the first driving control (step 5) to the second driving control (step 9) after the driving amount of the first driving control of step 5 becomes the predetermined amount of zero.

Although, the exact words target driving amount and remaining driving amount of zero are not actually used in the written description of Kinba et al., the disclosure fairly suggests to the ordinary workman in the art that the lens is driven to a position corresponding to the determined

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defocus amount calculated in step 5, before performing the defocus amount calculation by the second focus detecting unit calculating a defocus amount based on contrast detecting method, in order to ensure that the lens is within the range of being able to detect the defocus amount by the contrast detecting method. Thus, claims 1, 3, 4, 6, 8, 9, 11, 13, and 15 are fully met.

Claims 2, 7 and 14 are not met by Kinba et al. with the item-by-item matching explained above, because there is no disclosure that the second driving control of step 9 is at a second driving speed lower than a first driving speed in the first driving control at step 5. Although there is no written description that the lens comes to a stop by the lens driving before proceeding to step 6 in Kinba et al., nevertheless, the reference fairly suggests to the ordinary workman in the art that the lens comes to a stop after being driven to the defocus target position in step 5 in order to obtain an accurate focus state detection in step 6. This stopped state of the lens can be reasonably considered as corresponding to applicants claimed second driving control, instead of the lens driving of step 9. Under this alternative item-by-item matching, dependent claims 2, 7 and 14 are fully met by Kinba et al. since the stopped driving control state having a speed of zero is a lower driving speed than the driving speed of step 5.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 11, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinba et al. (U.S. Patent No. 5,597,999) in addition to Official Notice.

Kinba et al. shows the claimed invention, as explained above, except for the image taking optical system being integrally provided or attachably provided. Kinba et al. does not specify how his focus lens is provided with respect to the camera body. Official Notice (MPEP 2144.03) is taken that it was extremely well known in the field of photography at the time of applicants invention to provide the image taking optical system to the camera body both integrally and attachably. It would have obvious to one of ordinary skill in the art to arrange the focus lens and camera body of Kinba et al. in either an integral or attachable manner in order to obtain the desirable feature of having the invention of Kinba et al. in both types of camera systems.

Allowable Subject Matter

5. Claims 5, 10 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for indication of allowability of claims 5, 10 and 17 is the claim limitation that the controller switches from the first driving control to the second driving control without stopping the focusing lens.

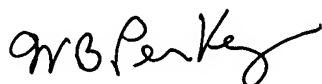
Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey
Primary Examiner
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WBP:wbp